IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

WP(C).No. 8311 of 2007(M)

PETITIONER:

M.H.MARIYUMMA,
(AGED 55 YEARS, W/O.AHAMMED KOYA),
HSA, HIHSS, EDAVANAKKAD, ERNAKULAM DISTRICT.

BY ADV. SRI.ABRAHAM VAKKANAL
SRI.PAUL ABRAHAM VAKKANAL
SRI.BIJIMON C.CHERIAN
SMT.K.S.SUMITHA

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT EDUCATIONAL OFFICER,
ERNAKULAM.

3. THE MANAGER,
H I HSS, EDAVANAKKAD.

ADDL.R.4. DEPUTY DIRECTOR OF EDUCATION, KAKKANAD, ERNAKULAM.

IMPLEADED AS PER ORDER ON IA.8436/07 DT. 29/6/2007.

BY GOVERNMENT PLEADER SRI.T.T.MUHAMOOD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P.1: TRUE COPY OF JUDGMENT IN WP.24712/05.

EXT.P2: TRUE COPY OF ORDER DT. 21/4/2006 OF R3.

EXT.P3: TRUE COPY OF ORDER OF R3 DT. 21/4/2003.

EXT.P4: TRUE COPY OF OBJECTION DT. 1/3/2007.

A.K. Basheer, J.

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W.P(C) No. 8311 of 2007

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Dated this the 29th day of June, 2007.

J U D G M E N T

Petitioner is a retired High School Assistant. She was granted higher grade after reckoning the period of provisional service rendered by her. Though the Audit Department had raised certain objections, the issue was given a quietus in the light of the decision rendered by this Court in Rajendran v. State of Kerala (2004 (3) KLT 533), as could be seen from Ext.P1 judgment of this Court. Though an appeal was preferred against Ext.P1 judgment in WA.2371/2006, it was dismissed by the Division Bench as is reveled from Ext.P2 judgment.

2. The grievance of the petitioner in this writ petition is that one arrear bill has been withheld by the Department for no justifiable reasons. Similarly her fixation of pension also is held up.

3. In the counter affidavit it is seen stated that the arrear bill which was prepared and submitted by the Headmistress of the school had not been countersigned by respondent No.2 , since he had been informed by the office of the Advocate General that the Government had filed SLP (C).NO.7526/2007 against Ext.P2 judgment of the Division Bench. So long as the Supreme Court has not stayed the operation and implementation of Ext.P2 judgment, respondents are bound o grant the benefits to the petitioner as directed by this Court in Exts.P1 and P2 judgments.

The Writ Petition is disposed of with a direction to additional

respondent No.4, the Deputy Director of Education, Kakkanad, Ernakulam to issue appropriate orders sanctioning pension to the petitioner in accordance with law and keeping in view Exts.P1 and P2 judgments and also Rajendran's case (supra). This shall be done as expeditiously as possible, at any rate within two months from the date of receipt of a copy of this judgment. Similarly, respondent No.2 shall ensure that the arrear bill is countersigned and the amount disbursed to the petitioner within one month from the date of receipt of a copy of this judgment.

A.K. Basheer
Judge.

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